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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,934	01/21/2004	Ben Wei Chen	3035P (SUP-036)	5756
22888 7590 11/21/2007 BEVER HOFFMAN & HARMS, LLP TRI-VALLEY OFFICE 1432 CONCANNON BLVD., BLDG. G LIVERMORE, CA 94550			EXAMINER MYERS, PAUL R	
			ART UNIT 2111	PAPER NUMBER
			MAIL DATE 11/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/762,934

Applicant(s)

CHEN, BEN WEI

Examiner

Paul R. Myers

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25,26,28-37 and 39-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-26,28-37,39-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 11/5/07 have been fully considered but they are not persuasive.

In regards to applicants argument that neither Kamper not Glenn teach the newly added BIOS and local control program. Kamper teaches that a BIOS is standard in conventional computers systems however Kamper and Glenn are silent upon the particulars of the BIOS. Therefore the examiner is citing WO 97/44727 to Thomas et al.

In regards to applicants argument that Kamper teaches away from an electronic data flash device including one or more manual control buttons: This is clearly incorrect. The examiner could find no statement in Kamper that stated that control buttons on the flash card were undesirable. Kamper even expressly states that "when power is supplied to the server" the boot sequence begins. Thus Kamper also has control buttons in this case the power button. Thus Kamper clearly teaches the inclusion of control buttons. Just not the button being located on the thin server flash card.

In regards to applicants argument that Kamper teaches the benefits of not having to enter configuration commands: First this is the benefits of not **having** to enter configuration commands not the benefit of **not being able to** enter configuration commands. Second the power button is not used to enter configuration commands past the initialization of the boot sequence which is required in Kamper.

In regards to applicants argument that Kamper teaches it is detrimental to require the configuration technician to control the configuration process: First Kamper teaches it is

detrimental to require the configuration technician to control the configuration process not that it would be detrimental to allow the configuration technician to control the configuration process. Second the power button is not used to control the configuration process only to start it.

In regards to applicants argument that Glenn teaches away from a device that is “detachably coupled”: This is clearly incorrect. First Glenn was cited for teaching a power button could be located on a device that is separate from computer itself without concern for the fact that Glenn also teaches a wireless connection. Second the controller of Glenn is inherently detachable coupled in that there is no such thing as an infinite power transmitter.

In regards to applicants argument that Shino neither teaches nor suggests booting up a computing device: Kamper teaches booting up the computing device. Shino teaches a display on the IC card.

The examiner notes most of applicants arguments are repeated from the previous response and were addressed in the previous action. See previous action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper PN 6,654,797 in view of Glenn PN 5,406,261 and Thomas WO 97/44727.

In regards to claim 25: Kamper teaches A thin server assembly (104, 114, 116, or 118) for communicating with a network (102), the assembly comprising: a computing device including a processor (202 or 204), a network interface (220) coupled to the processor, and a bus interface (234) coupled to the processor; an electronic data flash device (320) detachably coupled to the bus interface (via port 312, 234), the electronic data flash device including a flash memory device (322); means for booting the processor of the computing device and for transferring server image information from the flash memory device to the computing device by way of the bus interface such that the processor of the computing device is configured to communicate with said network by way of the network interface (server) according to the transferred server image information (Abstract). Kamper teaches control buttons (Column 1 lines 41-51). Kamper however does not teach the add in device having control buttons or the server being a server on a board. Glenn teaches an external device (52) including control buttons (62, 64) for controlling the processor of the computing device in response to actuation of the one or more control buttons. That boots the computing device using commands transferred from the local control to the computing device via the pressing of the power button.. Glenn's device is attached wirelessly as opposed to through a port. Official notice is taken that server's on a board are well known in the art. Called blade servers. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include control buttons on the smart card of Kamper because this would have provided the controls conveniently to the operator who inserts the smart card. It would have been obvious to provide the server as a blade server because this would have provided for savings of space. Kamper mentions a BIOS however is silent upon its precise functioning. Thomas teaches booting off a removable media drive wherein the removal media

drive has a local control program and the computer has a BIOS in which the Bios begins operation then requests the master boot record from the removable media drive. Then the removable media drive in response provides the requested master boot record from which the boot sequence is completed. All the claimed elements were known in the prior art and one of ordinary skill in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

In regards to claim 26: Kamper teaches a bus interface logic (310).

In regards to claim 27: Both Kamper and Glenn teach means for booting up the computing device.

In regards to claim 28: Both Kamper and Glenn teach means for shutting down the computing device.

In regards to claims 29-30: Both Kamper and Glenn teach restoring the computer to a default state (Booted). Glenn does not teach holding the button for a predetermined period of time. Official notice is taken that button debounce (Holding a button a predetermined time period to prevent spurious activation) is very well known. It would have been obvious to include button debounce logic in the buttons of Glen because this would have prevented accidental powering/depowering due to spurious button signals.

4. Claims 31-32, 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper PN 6,654,797 in view of Glenn PN 5,406,261 and Thomas WO 97/44727 as applied to claim 25 above, and further in view of Shino PN 4,843,223.

In regards to claims 31, 35: Kamper teaches a display for displaying status information (Column 1 lines 41-51). Kamper however does not teach the display being on the add in device. Shino teaches a memory card including control buttons and a display. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a display on the add in card because this would have allowed the user to observe proper configuration of the server with out having to add an additional display on the server (Which is the motivation of Kamper).

In regards to claims 32, 36: Kamper teaches the display can be an LED display. Shinto teaches the display being an LCD display.

In regards to claim 37: Kamper teaches a bus interface logic (310).

In regards to claim 38: Both Kamper and Glenn teach means for booting up the computing device.

5. Claims 33-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper PN 6,654,797 in view of Glenn PN 5,406,261 and Thomas WO 97/44727 as applied to claim 25 above, and further in view of Ban et al PN 6,148,354.

In regards to claims 33-34: Kamper teaches the flash device being a smart card. Kamper also states that "the present invention is not limited to the particular embodiments described herein. For example, other storage devices may be used instead of a smart card and smart card reader." (Column7 lines 44-47) Ban expressly teaches another type of flash memory device being a USB device. Official notice is taken that there are other types of flash memory cards such as Express PCI etc... It would have been obvious to a person of ordinary skill in the art at

the time of the invention to use any of a USB flash memory or other flash memory device because this would have allowed for different types of control without departing from the spirit of Kamper's invention.

6. Claims 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamper PN 6,654,797 in view of Glenn PN 5,406,261, Thomas WO 97/44727 and Shino PN 4,843,223 as applied to claim 35 above, and further in view of Ban et al PN 6,148,354.

In regards to claims 39: Kamper teaches the flash device being a smart card. Kamper also states that "the present invention is not limited to the particular embodiments described herein. For example, other storage devices may be used instead of a smart card and smart card reader." (Column 7 lines 44-47) Ban expressly teaches another type of flash memory device being a USB device. Official notice is taken that there are other types of flash memory cards such as Express PCI etc... It would have been obvious to a person of ordinary skill in the art at the time of the invention to use any of a USB flash memory or other flash memory device because this would have allowed for different types of control without departing from the spirit of Kamper's invention.

In regards to claim 40: Both Kamper and Glenn teach means for shutting down the computing device.

In regards to claims 41, 42: Both Kamper and Glenn teach restoring the computer to a default state (Booted). Glenn does not teach holding the button for a predetermined period of time. Official notice is taken that button debounce (Holding a button a predetermined time period to prevent spurious activation) is very well known. It would have been obvious to include



button debounce logic in the buttons of Glenn because this would have prevented accidental powering/depowering due to spurious button signals.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PN 7,158,948 to Rodriguez et al teaches a smart card with control buttons and a display.

US 2005/0041385 to Kikinis et al teaches a different type of flash memory device with control buttons, including power and a LCD display.

PN 5,838,982 to Cooper et al teaches a computer power switch including a debounce timer.

PN 6,792,515 to Smith and PN 6,950,895 to Bottom both teach blade servers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is 571 272 3639. The examiner can normally be reached on Mon-Thur 6:30-4:00.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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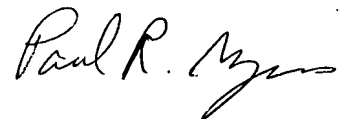
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRM  
November 19, 2007



**PAUL R. MYERS**  
**PRIMARY EXAMINER**